IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

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JERRY D. SAYERS, Petitioner,) Civil Action No. 7:05CV0000611
v.)) <u>ORDER</u>
TAZEWELL COUNTY, Respondent.) By: Hon. Glen E. Conrad) United States District Judge

In accordance with the Memorandum Opinion entered this day, it is hereby

ORDERED

that the above referenced petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED** without prejudice and stricken from the active docket of the court.

The Clerk is directed to send a certified copy of this order and the accompanying memorandum opinion to the petitioner and counsel of record for the respondent.

ENTER: This $\frac{4}{4}$ day of November, 2005.

United States District Judge